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10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION**
12

13 In re

14 MAXIMINO BARTOLOME CRISOSTOMO
15 AND GLORIA ABRENICA CRISOSTOMO,

16 Debtors.
17

Case No. 10-71473-CDN

Chapter 13

R.S. No. ALG-186

**MOTION FOR RELIEF FROM
AUTOMATIC STAY**

Hearing:

Date: December 4, 2015

Time: 10:00 a.m.

Place: 1300 Clay Street, Ctrm 215
Oakland, CA 94612

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21 CitiMortgage, Inc. ("Movant or Creditor")¹ will and hereby does move, pursuant to 11
22 U.S.C. § 362(d) and Rule 4001 of the Federal Rules of Bankruptcy Procedure, for an order
23 terminating the automatic stay of 11 U.S.C. § 362(a) as it applies to Movant and the real property
24 located at 37146 Elm Street, Fremont, California 94536 ("Property").

25 CitiMortgage, Inc. services the loan on the property referenced in this Motion for Relief
26 from Automatic Stay. In the event the automatic stay in this case is modified, this case dismisses,

27 ¹ This Motion for Relief from Automatic Stay shall not constitute a waiver of the within party's right to receive
28 service pursuant to Fed. R. Civ. P. 4, made applicable to this proceeding by Fed. R. Bankr. P. 7004, notwithstanding
Aldridge Pite, LLP's participation in this proceeding. Moreover, the within party does not authorize Aldridge Pite,
LLP, either expressly or impliedly through Aldridge Pite, LLP's participation in this proceeding, to act as its agent
for purposes of service under Fed. R. Bankr. P. 7004.

1 and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged
2 property, the foreclosure will be conducted in the name of CitiMortgage, Inc. ("Noteholder").
3 Noteholder directly or through an agent, has possession of the promissory note. The promissory
4 note is either made payable to Noteholder or has been duly endorsed. Noteholder is the original
5 mortgagee or beneficiary or the assignee of the security instrument for the referenced loan.

6 This Motion is based on the Notice of Motion for Relief from Automatic Stay,
7 Memorandum of Points and Authorities in Support of Motion for Relief from Automatic Stay,
8 and Declaration in Support of Motion for Relief from Automatic Stay filed concurrently
9 herewith, the pleadings and papers on file herein, and upon such oral and documentary evidence
10 as may be presented by the parties at the hearing.

11 ALDRIDGE PITE, LLP

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13 Dated: October 27, 2015

(SBN 269170)

14 ARNOLD L. GRAFF

Attorneys for Movant CitiMortgage Inc.